

REMARKS

35 U.S.C. § 101

Claims 54-56 and 58-63 have been amended to overcome the rejections. Reconsideration is requested.

35 U.S.C. § 103 (a)

The examiner's assertions of obviousness are respectfully traversed because neither reference caches content. The examiner concedes that Armstrong does not cache content. *See, e.g.*, Paper No. 20061016, page 3. Zigmond does not cure Armstrong's deficiency.

The examiner cites to Zigmond at column 15, lines 26-34 as disclosing storing video programming in a storage 86 of a viewer's device. *Id.* There is nothing in that passage indicating that programming is stored in storage 86. For example, only advertisements are stored in Zigmond's advertisement repository 86. That an embodiment of the advertisement repository 86 is *capable* of storing digitally encoded video programming is not tantamount to disclosing that content other than advertisements are stored in the repository 86.

Zigmond is clear that programming is delivered to a video switch 90. Referring to the ad insertion device shown in Figure 5, an arrow from the lower left of the figure to the right represents programming delivery (i.e., content) coming into the video switch 90. Thus, programming is streamed to the video switch 90. But an arrow does not go from the video switch 90 to the advertisement repository 86; therefore, programming streamed to the switch 90 is not stored in the advertisement repository 86. Thus, *prima facie* obviousness has not been established.

Furthermore, Armstrong requires one or more servers to determine where a movie is paused and what advertisements to make available to the user. Column 7, lines 53-59. In contrast, according to an embodiment of the present invention, servers are not needed to select an advertisement in response to a pause. Thus, for this additional reason, none of the claims are believed to be obvious.

CONCLUSION

In view of the amendments and remarks herein, the application is in condition for allowance. The examiner's prompt action in accordance therewith is respectfully requested. The commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to Deposit Account No. 20-1504 (BKA.0005US).

Respectfully submitted,

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